

AES:KTF
F. # 2017R01443

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

VINCENT FELIX,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

GEORGE FAHRBACH, being duly sworn, deposes and states that he is a Task Force Officer with the United States Marshals Service, duly appointed according to law and acting as such.

In or about and between June 2017 and July 2017, within the Eastern District of New York, the defendant VINCENT FELIX, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved (a) a substance containing heroin, a Schedule I controlled substance, and (b) a substance containing fentanyl, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The use of heroin and fentanyl attributed to FELIX as a result of his own conduct, and the conduct of others reasonably foreseeable to him, resulted in the death of an individual referred to herein as John Doe on or about June 29, 2017 in Brooklyn, New York.

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TO BE FILED UNDER SEAL

COMPLAINT AND AFFIDAVIT IN
SUPPORT OF ARREST WARRANT
(T. 21, U.S.C., §§ 841(a)(1) and
841(b)(1)(C); T. 18, U.S.C., § 3551 et
seq.)

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

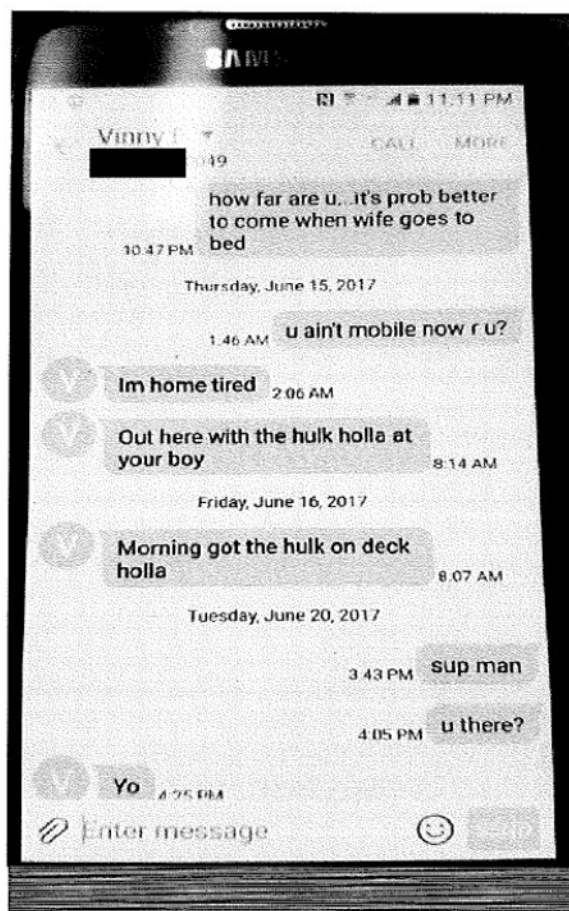
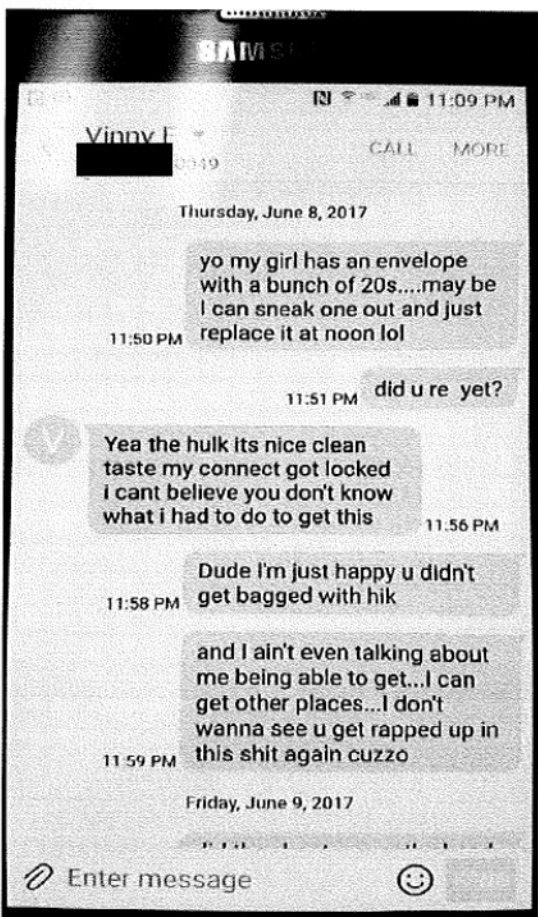
1. I have been a New York City Police Department ("NYPD") Detective for approximately 25 years, and am designated as a Task Force Officer with the United States Marshals Service. I am presently the NYPD Liaison for the United States Attorney's Office for the Eastern District of New York. I have been involved in the investigation of numerous cases involving heroin trafficking. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On June 29, 2017, at approximately 6:00 p.m., medical and law enforcement personnel responded to a 911 call from a woman in Brooklyn, New York. She had discovered her 35-year-old husband ("John Doe") unconscious and unresponsive in their home with a belt around his left arm. Next to the bathroom sink lay a hypodermic needle, syringe, and two glassine bags of what appeared to be heroin stamped with a purple image of the Incredible Hulk (the "Hulk glassines"). Upon their arrival, the medical personnel checked John Doe's vital signs and pronounced him dead.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

3. John Doe's wife stated in sum and substance that John Doe had been using heroin for about two years. A subsequent laboratory analysis concluded that the Hulk glassines contained a mixture of heroin, fentanyl, and tramadol.

4. Text messages on John Doe's phone indicate that he was purchasing the Hulk glassines from an individual identified in the phone as "Vinny F." John Doe's phone shows the following text message exchanges, among others, between John Doe and "Vinny F." at phone number [REDACTED] 0049 in the days leading up to John Doe's death:



5. John Doe's phone lists "Vinny F.'s" two phone numbers as [REDACTED] 0049, and [REDACTED] 3521, and shows repeated calls to and from both numbers throughout June 2017.

6. An autopsy of John Doe conducted by the Office of the Chief Medical Examiner for the City of New York on June 30, 2017 concluded that the cause of John Doe's death was acute intoxication due to the combined effects of heroin, fentanyl, fluoroisobutyl fentanyl, and methadone.

7. On July 6, 2017, NYPD officers approached a double-parked car, and observed within a man they later identified as the defendant VINCENT FELIX attempting to hide under his seat a clear plastic bag containing 31 glassine envelopes of what appeared to be heroin stamped with a purple image of the Incredible Hulk. The officers placed FELIX under arrest.

8. In a subsequent debriefing, after waiving his Miranda rights, the defendant VINCENT FELIX stated to an NYPD detective that his phone numbers were [REDACTED] 0049 and [REDACTED] 3521. These are the same phone numbers that John Doe communicated with to reach "Vinny F." in the weeks and days before John Doe's death.

9. The defendant VINCENT FELIX was subsequently incarcerated at Riker's Island for a New York state parole violation stemming from a 2015 conviction for criminal sale of a controlled substance.

10. The NYPD has obtained copies of the defendant VINCENT FELIX's jail calls. During numerous calls, he referenced what appears to be, based on my training and experience, ongoing efforts to engage in criminal activity. For example, in a series of calls with an individual ("Individual-1") in the fall of 2017, FELIX attempted to pressure

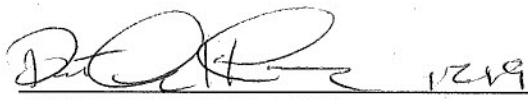
that person to “handle business” by “helping his friend out once a month” and putting him in touch with “Birdman.” FELIX stated that doing so “would put \$100 to \$500 in [Individual-1’s] pocket.” Individual-1 stated to FELIX, “I want a better life, I don’t want that shit” and “the alternative to [the money] is not worth it to me.” FELIX responded to Individual-1 that nothing would happen because his friend is a “white collar guy” and “not like the jerk-offs from the neighborhood.” In response, Individual-1 stated to FELIX, “I feel like if you cared about me, you wouldn’t ask me to do something,” a sentence which was cut off when FELIX interrupted Individual-1. When Individual-1 continued to reject FELIX’s demands that Individual-1 “handle business,” FELIX grew upset, stating, “your little n- - - r street attitude, lose it because I am talking to you like a husband right now.”

11. Upon information and belief, the defendant VINCENT FELIX is scheduled to be released from state custody on or about February 16, 2018.

WHEREFORE, your deponent respectfully requests that the defendant VINCENT FELIX be dealt with according to law.

I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by

giving the target an opportunity to flee from prosecution, destroy or tamper with evidence and change patterns of behavior.


GEORGE FAHRBACH
Task Force Officer, United States Marshals
Service

Sworn to before me this
14 day of February, 2018
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THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK